

FILED

NOV 15 2005

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA )

v. )

CRIM. NO. 1:05CR264-F  
[21 USC § 846 and 843(b)]

SERGIO RIOS, )

a/k/a Nick, Jose and Sergy;) )

JAMES LINDY ARGO, )

a/k/a Catfish; )

JOHNNY LAMAR SLAY, )

a/k/a John Slay )

INDICTMENT

The Grand Jury charges that:

Count 1

From in or about early 2000 until the 6<sup>th</sup> day of October, 2005, in the Middle District of Alabama and elsewhere, the defendants,

SERGIO RIOS, a/k/a Nick, Jose and Sergy,  
JAMES LINDY ARGO, a/k/a Catfish,  
JOHNNY LAMAR SLAY, a/k/a John Slay,

did knowingly and intentionally conspire, combine and agree with each other and with other persons both known and unknown to the Grand Jury to possess with intent to distribute and distribute 50 grams or more of methamphetamine and 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, both Schedule II Controlled Substances, in violation of Title 21, United States Code, Section 841(a)(1). All in violation of Title 21, United States Code, Section 846.

Count 2

On or about the 30<sup>th</sup> day of April, 2005, in the Middle District of Alabama and elsewhere, the defendants,

SERGIO RIOS, a/k/a Nick, Jose and Sergy,  
JOHNNY LAMAR SLAY, a/k/a John Slay,

did knowing and intentionally use a communication facility, that is a cellular telephone, bearing telephone number (334) 806-4338 in committing, causing and facilitating the offense set forth in Count 1 of this indictment and incorporated by reference herein, in violation of Title 21, United States Code, Section 843(b).

Count 3

On or about the 3<sup>rd</sup> day of May, 2005, in the Middle District of Alabama and elsewhere, the defendants,

SERGIO RIOS, a/k/a Nick, Jose and Sergy,  
JOHNNY LAMAR SLAY, a/k/a John Slay,

did knowing and intentionally use a communication facility, that is a cellular telephone, bearing telephone number (334) 806-4338 in committing, causing and facilitating the offense set forth in Count 1 of this indictment and incorporated by reference herein, in violation of Title 21, United States Code, Section 843(b).

Count 4

On or about the 11<sup>th</sup> day of May, 2005, in the Middle District of Alabama and elsewhere, the defendants,

SERGIO RIOS, a/k/a Nick, Jose and Sergy,  
JOHNNY LAMAR SLAY, a/k/a John Slay,

did knowing and intentionally use a communication facility, that is a cellular telephone, bearing telephone number (334) 806-4338 in committing, causing and facilitating the offense set forth in Count 1 of this indictment and incorporated by reference herein, in violation of Title 21, United States Code, Section 843(b).

Count 5

On or about the 22<sup>nd</sup> day of June, 2005, in the Middle District of Alabama and elsewhere, the defendant,

SERGIO RIOS, a/k/a Nick, Jose and Sergy,  
did knowing and intentionally use a communication facility, that is a cellular telephone, bearing telephone number (334) 405-9042 in committing, causing and facilitating the offense set forth in Count 1 of this indictment and incorporated by reference herein, in violation of Title 21, United States Code, Section 843(b).

Count 6

On or about the 23<sup>rd</sup> day of June, 2005, in the Middle District of Alabama and elsewhere, the defendant,

SERGIO RIOS, a/k/a Nick, Jose and Sergy,  
did knowing and intentionally use a communication facility, that is a cellular telephone, bearing telephone number (334) 405-9042 in committing, causing and facilitating the offense set forth in Count 1 of this indictment and incorporated by reference herein, in violation of Title 21, United States Code, Section 843(b).

Count 7

On or about the 24<sup>th</sup> day of June, 2005, in the Middle District of Alabama and elsewhere, the defendants,

SERGIO RIOS, a/k/a Nick, Jose and Sergy;  
JOHNNY LAMAR SLAY, a/k/a John Slay,  
did knowing and intentionally use a communication facility, that is a cellular telephone, bearing telephone number (334) 405-9042 in committing, causing and facilitating the

offense set forth in Count 1 of this indictment and incorporated by reference herein, in violation of Title 21, United States Code, Section 843(b).

Count 8

On or about the 26<sup>th</sup> day of June, 2005, in the Middle District of Alabama and elsewhere, the defendants,

SERGIO RIOS, a/k/a Nick, Jose and Sergy;  
JOHNNY LAMAR SLAY, a/k/a John Slay,

did knowing and intentionally use a communication facility, that is a cellular telephone, bearing telephone number (334) 405-9042 in committing, causing and facilitating the offense set forth in Count 1 of this indictment and incorporated by reference herein, in violation of Title 21, United States Code, Section 843(b).

Count 9

On or about the 28<sup>th</sup> day of June, 2005, in the Middle District of Alabama and elsewhere, the defendant,

SERGIO RIOS, a/k/a Nick, Jose and Sergy,

did knowing and intentionally use a communication facility, that is a cellular telephone, bearing telephone number (334) 405-9042 in committing, causing and facilitating the offense set forth in Count 1 of this indictment and incorporated by reference herein, in violation of Title 21, United States Code, Section 843(b).

Forfeiture Allegation

A. Counts 1 through 9 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for violation of Title 18, United States Code, Section 2 and

Title 21, United States Code, Section 841(a)(1), all in violation of Title 21, United States Code, Section 846 as alleged in Count 1 of this indictment, the defendants,

SERGIO RIOS, a/k/a Nick, Jose and Sergy,  
JAMES LINDY ARGO, a/k/a Catfish,  
JOHNNY LAMAR SLAY, a/k/a John Slay,

shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count 1 of this indictment.

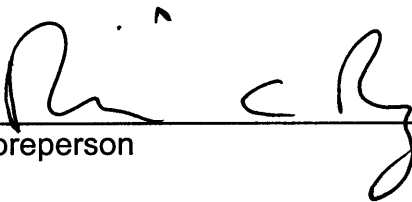
C. If any of the forfeitable property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided

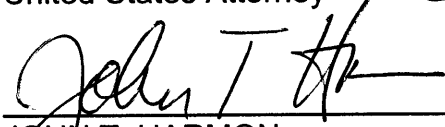
without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property.

All in violation of Title 21, United States Code, Sections 841, 846, and 853.

A TRUE BILL:

  
\_\_\_\_\_  
Foreperson

  
\_\_\_\_\_  
LEURA GARRETT CANARY  
United States Attorney

  
\_\_\_\_\_  
JOHN T. HARMON  
United States Attorney

  
\_\_\_\_\_  
A. CLARK MORRIS  
Assistant United States Attorney